

CSD 1180 [05/05/10]

Name, Address, Telephone No. & I.D. No.

David A. St. John (SBN: 048746)

ST. JOHN LAW OFFICES

309 South A Street

Oxnard, CA 93030-5804

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UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

ALICIA D. DWYER

BANKRUPTCY NO. 11-01817-PB-11

Tax I.D. (EIN) #: _____ / S.S. #: XXX-XX-____ Debtor.

NOTICE OF INTENDED ACTION AND OPPORTUNITY FOR HEARING

TO THE DEBTOR, ALL CREDITORS AND OTHER PARTIES IN INTEREST:

YOU ARE HEREBY NOTIFIED that _____

(select one:) ☐ the Trustee ☐ United States Trustee ☒ Debtor-In-Possession ☐ Creditor,
herein, proposes to:

- ☐ Use, sell or lease the following property not in the ordinary course of business [include information as required by Federal Rule of Bankruptcy Procedure 2002(c)(1)]; or
- ☐ Abandon the following property [description of property to be abandoned]; or
- ☐ Compromise or settle the following controversy [description of controversy to be settled and financial impact on estate as required by Local Bankruptcy Rule 9019]; or
- ☒ Seek allowance of compensation or remuneration to debtor as follows [specify the nature]; or
Compensation to debtor in possession of \$3,983.67 a month as insider compensation to support herself.
- ☐ Other [specify the nature of the matter]:

CSD 1180 (Page 2) [05/05/10]

If you object to the proposed action:

1. **YOU ARE REQUIRED** to obtain a hearing date and time from the appropriate Courtroom Deputy for the judge assigned to your bankruptcy case. If a Chapter 7, 11, or 12 case, determine which deputy to call by looking at the Bankruptcy Case No. in the caption on Page 1 of this notice. If the case number is followed by the letter:

-	MM	-	call (619) 557-7407	-	DEPARTMENT ONE (Room 218)
-	LA	-	call (619) 557-6594	-	DEPARTMENT TWO (Room 118)
-	LT	-	call (619) 557-6018	-	DEPARTMENT THREE (Room 129)
-	PB	-	call (619) 557-5157	-	DEPARTMENT FOUR (Room 328)
-	JM	-	call (619) 557-6019	-	DEPARTMENT FIVE (Room 318)

For ALL Chapter 13 cases, call (619) 557-5955.

2. **WITHIN TWENTY-EIGHT (28)¹ DAYS FROM THE DATE OF SERVICE OF THIS MOTION**, you are further required to serve a copy of your **DECLARATION IN OPPOSITION TO MOTION** and separate **REQUEST AND NOTICE OF HEARING** [Local Form CSD 1184²] upon the undersigned moving party, together with any opposing papers. The opposing declaration shall be signed and verified in the manner prescribed by Federal Rule of Bankruptcy Procedure 9011, and the declaration shall:

- identify the interest of the opposing party; and
- state, with particularity, the grounds for the opposition.

3. **YOU MUST** file the original and one copy of the Declaration and Request and Notice of Hearing with proof of service with the Clerk of the U.S. Bankruptcy Court at 325 West "F" Street, San Diego, California 92101-6991, no later than the next business day following the date of service.

IF YOU FAIL TO SERVE YOUR "DECLARATION IN OPPOSITION TO INTENDED ACTION" AND "REQUEST AND NOTICE OF HEARING" within the 28-day¹ period provided by this notice, NO HEARING SHALL TAKE PLACE, you shall lose your opportunity for hearing, and the moving party may proceed to take the intended action.

DATED: February 22, 2011

~~[U.S. TRUSTEE] [TRUSTEE] [DEBTOR-IN-POSSESSION]~~
[Attorney for Moving Party]

¹If you were served electronically or by mail, you have three (3) additional days to take the above-stated actions.

²You may obtain Local Form CSD 1184 from the office of the Clerk of the U.S. Bankruptcy Court.

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048746

5 Attorneys for Plaintiff ALICIA D. DWYER

6
7
8 **UNITED STATES BANKRUPTCY COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 In re:

11 ALICIA D. DWYER

12 Debtor,

Chapter: 11

Case No. 11-01817-PB-11

13 **DECLARATION OF ALICIA D. DWYER**
14 **IN SUPPORT OF NOTICE OF**
15 **INTENDED ACTION: ALLOWANCE OF**
16 **COMPENSATION TO THE DEBTOR**

[Local Rule 4002-2(a)]

17
18 I, Alicia D. Dwyer ("Applicant"), declare:

19
20 1. I am the Chapter 11 Debtor in the above-referenced case. I make this Declaration in
21 Support of Notice of Intended action: Allowance of Compensation to the Debtor. I have
22 personal knowledge of the facts stated herein and, if called as a witness, I could and would
23 competently testify thereto.

24 2. As shown on Schedule I, attached hereto, my current monthly income from passive
25 income and rentals is \$8,973.74.

26 3. As shown on Schedule J, attached hereto, my monthly expenses are \$3,983.67 for
27 personal support.

28 4. Based on the foregoing, I hereby request Court approval to allow the payment of

1 insider compensation to debtor of \$3,983.67 a month for personal support.

2 I declare under penalty of perjury, under the laws of the United States of America that the
3 foregoing is true and correct.

4 Executed on February 22, 2011, at Oxnard, California.

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ALICIA D. DWYER

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B61 (Official Form 6B) (12/07)

In re Alicia D Dwyer

Debtor(s)

Case No. 11-01817**SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)**

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:		DEPENDENTS OF DEBTOR AND SPOUSE	
Single		RELATIONSHIP(S): None.	AGE(S):
Employment:	DEBTOR		SPOUSE
Occupation	Store Proprietor and Landlord		
Name of Employer	Le Monde Emporium Inc.		
How long employed	6 years		
Address of Employer	540 East Main Street Ventura, CA 93001-2629		

INCOME: (Estimate of average or projected monthly income at time case filed)

1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)

2. Estimate monthly overtime

3. SUBTOTAL

4. LESS PAYROLL DEDUCTIONS

a. Payroll taxes and social security

b. Insurance

c. Union dues

d. Other (Specify):

5. SUBTOTAL OF PAYROLL DEDUCTIONS

6. TOTAL NET MONTHLY TAKE HOME PAY

7. Regular income from operation of business or profession or farm (Attach detailed statement)

8. Income from real property

9. Interest and dividends

10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above

11. Social security or government assistance (Specify):

12. Pension or retirement income

13. Other monthly income

(Specify): Passive Income from Le Monde

14. SUBTOTAL OF LINES 7 THROUGH 13

15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)

16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)

DEBTOR	SPOUSE
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A

\$ 0.00	\$ N/A
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\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A

\$ 0.00	\$ N/A
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\$ 0.00	\$ N/A
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\$ 0.00	\$ N/A
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\$ 6,576.00	\$ N/A
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\$ 8.58	\$ N/A
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\$ 0.00	\$ N/A
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\$ 0.00	\$ N/A
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\$ 0.00	\$ N/A
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\$ 0.00	\$ N/A
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\$ 2,389.16	\$ N/A
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\$ 0.00	\$ N/A
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\$ 8,973.74	\$ N/A
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\$ 8,973.74	\$ N/A
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\$ 8,973.74	
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(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

B6J (Official Form 6J) (12/07)

In re Allcia D Dwyer

Debtor(s)

Case No. 11-01817**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)		\$	1,440.00
a. Are real estate taxes included?	Yes <u>X</u> No <u> </u>		
b. Is property insurance included?	Yes <u>X</u> No <u> </u>		
2. Utilities:		\$	
a. Electricity and heating fuel		\$	120.00
b. Water and sewer		\$	80.00
c. Telephone		\$	101.82
d. Other <u>See Detailed Expense Attachment</u>		\$	72.80
3. Home maintenance (repairs and upkeep)		\$	50.00
4. Food		\$	455.20
5. Clothing		\$	64.69
6. Laundry and dry cleaning		\$	42.00
7. Medical and dental expenses		\$	195.00
8. Transportation (not including car payments)		\$	278.70
9. Recreation, clubs and entertainment, newspapers, magazines, etc.		\$	150.00
10. Charitable contributions		\$	0.00
11. Insurance (not deducted from wages or included in home mortgage payments)		\$	
a. Homeowner's or renter's		\$	0.00
b. Life		\$	0.00
c. Health		\$	352.46
d. Auto		\$	46.00
e. Other		\$	0.00
12. Taxes (not deducted from wages or included in home mortgage payments)		\$	
(Specify)		\$	0.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		\$	
a. Auto		\$	0.00
b. Other		\$	0.00
c. Other		\$	0.00
14. Alimony, maintenance, and support paid to others		\$	0.00
15. Payments for support of additional dependents not living at your home		\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)		\$	0.00
17. Other <u>See Detailed Expense Attachment</u>		\$	0.00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)		\$	535.00
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:		\$	3,983.67
20. STATEMENT OF MONTHLY NET INCOME			
a. Average monthly income from Line 15 of Schedule I		\$	8,973.74
b. Average monthly expenses from Line 18 above		\$	3,983.67
c. Monthly net income (a. minus b.)		\$	4,990.07

B6J (Official Form 6J) (12/07)

In re Alicia D DwyerCase No. 11-01817

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**Detailed Expense Attachment****Other Utility Expenditures:**

<u>Internet</u>	\$	<u>19.99</u>
<u>Cable TV</u>	\$	<u>52.81</u>
<u>Total Other Utility Expenditures</u>	\$	<u>72.80</u>

Other Expenditures:

<u>hair cuts/color</u>	\$	<u>50.00</u>
<u>massage</u>	\$	<u>125.00</u>
<u>pet care</u>	\$	<u>125.00</u>
<u>office supplies (paper, file folders, toner, ink)</u>	\$	<u>125.00</u>
<u>house keeping</u>	\$	<u>125.00</u>
<u>gym membership</u>	\$	<u>50.00</u>
<u>Total Other Expenditures</u>	\$	<u>535.00</u>

United States Bankruptcy Court
Southern District of California

In re Alicia D Dwyer

Debtor(s)

Case No. 11-01817Chapter 11

PROOF OF SERVICE BY MAIL

I, Nenen Obrador, declare that I am a resident of or employed in the County of Ventura, State of California. My address is 309 South A Street, Oxnard, CA 93030-5804. I am over the age of eighteen years of age and am not a party to this case.

On **February 22, 2011**, I served the Notice of Intended Action and Opportunity for Hearing on the parties listed below, by placing true and correct copies thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Oxnard, CA addressed as follows:

American Home Mtg Srv P. O. Box 631730 Irving, TX 75063-1730	Todd S. Garan (ID BN) Pite Duncan, LLP 4375 Jutland Drive, Suite 200 P.O. Box 17933 San Diego, CA 92177-0933 (Request for Special Notice)	World Savings & Loan Attn: Bankruptcy 4101 Wiseman Blvd San Antonio, TX 78261-4200
Wells Fargo Home Mortgage 4101 Wiseman Blvd mc-t San Antonio, TX 78251-4200		
Bac Home Loans Servicl 450 American St Simi Valley, CA 93065-6285	JESSE A. P. BAKER (ID BN 8411) PITE DUNCAN, LLP 4375 Jutland Drive, Suite 200 P.O. Box 17933 San Diego, CA 92177-0933 (Request for Special Notice)	Christopher M. McDermott (CA SBN 253411) Erin L. Laney (CA SBN 265382) PITE DUNCAN, LLP 4375 Jutland Drive, Suite 200 P.O. Box 17933 San Diego, CA 92177-0933 (Request for Special Notice)
Wells Fargo Bank Po Box 5445 Portland, OR 97228-5445		
Bank Of America Po Box 17054 Wilmington, DE 19850-7054	United States Trustee-SD Department of Justice 402 W Broadway Ste 600 San Diego, CA 92101-8511	
Wachovia 4101 Wiseman Blvd. San Antonio, TX 78251-4200		
Cbe Group 1309 Technology Pkwy Cedar Falls, IA 50613-6978	United States Bankruptcy Court Attn Intake Courtesy Copies for Chief Judge Peter W. Bowle 325 W F St San Diego, CA 92101- 6017	
Macys/fdsb Attn: Bankruptcy Po Box 8053 Mason, OH 45040-8053		
Citi Po Box 6241 Sioux Falls, SD 57117-6241	Alicia D Dwyer 3403 Mississippi St San Diego, CA 92104-4026	

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on **February 22, 2011**.



Nenen Obrador